



Law Enforcement Update

*A publication of the United States Attorney's Office
for the Southern District of Ohio*

Gregory G. Lockhart, United States Attorney

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Intelligence Sharing Effort Underway

Other than receiving an occasional item over NLETS, some state and local law enforcement agencies say they have difficulty receiving terrorism-related information or intelligence. Others say information comes in constantly, but they lack the time and resources to sort it all out.

As part of an effort to enhance the flow of terrorism related intelligence information to and from local law enforcement agencies, the U.S. Attorney's Office is surveying local agencies in the 48-county district to find out how the office can help local agencies complete their mission.

Bob Murchland, Intelligence Specialist with the U.S. Attorney's Office, is mailing survey questions to

local agencies and following up with personal visits or phone calls. The surveys are being sent in stages so that suggestions generated by the surveys can be followed-up before moving on to other agencies. The first group surveyed will be agencies along the I-75 and I-70 corridors in southwestern Ohio.

"The results of the surveys will help us develop training events in various parts of the district," Murchland says. "We will also try to establish better ways to circulate intelligence information among and between federal, state and local law enforcement agencies."

U.S. Attorney Greg Lockhart calls the effort a "keystone effort to arm local agencies with the information they need to prevent terrorist acts in Ohio."

Anyone who wants to participate in the survey or has specific ideas for improving information flow can contact Bob Murchland at the Cincinnati USAO Office at (513) 684-3711.



Bob Murchland, U.S. Attorney's Office

HIDTA Begins Operation in Southern Ohio

Experienced law enforcement executive and former police officer **Peter Tobin** began serving as Deputy Director for the Southern Ohio HIDTA in January. Tobin will work with agencies and task forces coordinating efforts to disrupt and dismantle major drug trafficking organizations. Congress designated six Ohio counties as High Intensity Drug Trafficking Areas in October 2004.

The HIDTA task force operating in Dayton recently executed more than two dozen search warrants in connection with an ongoing investigation, seizing almost \$3.4 million in cash, a massive amount of marijuana, guns and other evidence. Seizures of real and personal property have increased potential forfeitures to approximately \$5 million.

HIDTA resources are available to state and local law enforcement agencies who want to participate in the effort. The mailing address for the Southern Ohio HIDTA is 500 South Front Street, Suite 612, Columbus, Ohio 43215. Further contact information will be available in the next newsletter.



Impact of the Supreme Court ruling on Federal Sentencing Guidelines By Gregory G. Lockhart

Twenty years ago, Congress enacted the Sentencing Reform Act of 1984, which established mandatory sentencing guidelines to ensure consistency and fairness in federal criminal cases. The purpose of establishing a guideline range was to eliminate widespread and unconscionable disparities in sentencing in federal courts across the nation. The system is based on principles such as truth-in-sentencing, limited judicial discretion, the elimination of parole in the federal system, and the uniform treatment of defendants with similar criminal records who committed similar criminal acts. The guidelines also allow judges to give longer sentences to dangerous or recidivist criminals.

The Supreme Court ruled in January 2005 that federal judges are no longer bound to impose sentences within the ranges established under Federal Sentencing Guidelines. Although we are pleased that the Supreme Court did not find the Federal Sentencing Guidelines to be unconstitutional in *U.S. v. Booker*, we are disappointed that the decision made the guidelines advisory in nature. However, it is important to note that in spite of this ruling, federal sentencing guidelines remain a critical part of the process to achieve justice. District Courts are still required to consult the federal sentencing guidelines, and any sentence may be appealed by either defense counsel or prosecutors on the grounds that it is unreasonable.

The Sentencing Guidelines have helped reduce the violent crime rate to a 30-year low by ensuring that criminal sentences take violent offenders off the streets, impose just punishment and deter others from committing crimes. The Booker decision has created new challenges for federal law enforcement and much litigation will follow in the wake. The Department of Justice remains committed to the core principles and the just foundation created in the Federal Sentencing Reform Act, and will continue to urge courts to apply the guidelines and to sentence offenders under the guidelines in order to vindicate the core purposes of sentencing - that similar defendants who commit similar crimes, receive similar sentences.

Equitable Sharing Checks distributed for November 2004 to January 2005

ORGANIZATION	AMOUNT	ORGANIZATION	AMOUNT
Cincinnati Police Department	\$4,135.58	Gahanna Police Department	\$12,049.86
U.S. Postal Inspection Service	\$1,795.68	Sharonville Police Department	\$15,115.48
Westerville Division of Police	\$1,007.65	Upper Arlington Police Department	\$1,007.65
Columbus Division of Police	\$5,721.32	BCI&I	\$2,270.53
C.A.N.E. Task Force	\$6,124.50	Drug Abuse Reduction Task Force	\$8,330.73
West Chester Police Department	\$8,321.03	Delaware County Sheriff's Office	\$403,061.48
Montgomery Co. Sheriff's Office	\$2,041.50	West Chester Police	\$8,321.03
BCI&I	\$13,482.54	OOCIC	\$673.38
Norwood Police Department	\$15,115.48	Boone Co. Sheriff's Office	\$7,572.72
Florence Police Department	\$7,273.39	Covington Police Department	\$7,273.39
Kenton Co. Sheriff's Office	\$7,273.39	D.R.A.N.O.	\$7,123.73
Van Buren Arkansas Police Department	\$209,927.86	Fort Smith Arkansas Police Department	\$20,292.79
Clermont Co. Sheriff's Office	\$4,135.58	Kansas Highway Patrol	\$20,292.79
Morrow County Sheriff's Office	\$12,595.67	Totals 11/1/2004 through 1/31/2005	\$803,145.17

Ohio, Kentucky agencies share forfeitures from cooperative investigation

Eight state and local law enforcement agencies from southern Ohio and Kentucky received nearly \$80,000 in equitable sharing funds as a result of a joint investigation into a marijuana trafficking operation between Cincinnati and Florence, Kentucky.

In April of 2003 Drug Enforcement Administration (DEA) was investigating the narcotics distribution activities of Myra Brown and Carol Frey. On May 1, 2003, an undercover DEA agent met with Brown in Cincinnati. During the meeting, the agent purchased approximately 312 grams of cocaine from Myra Brown. Frey, who was Brown's live-in nurse as Brown was terminally ill from diabetes, was present during the transaction and assisted Brown in making the sale.

On July 15, 2003, the DEA executed a search at the residence on Eight Mile Road. During the search, agents discovered and seized, among other things, a triple beam scale, approximately 50 pounds of marijuana, an electronic digital scale, materials used to package and distribute narcotics, miscellaneous paperwork, U.S. currency, and a drug ledger.

Agents also executed a search of a residence in Florence seizing marijuana, a home drug testing kit, and miscellaneous paperwork. Immediately after the execution of the search warrants, Frey rushed to the bank and withdrew \$170,000. She gave the money to her attorney in an attempt to shield it from forfeiture.

Frey and Brown were indicted. Brown escaped full prosecution when she succumbed to her terminal illness. Frey pled guilty to conspiring with Brown to distribute narcotics. She acknowledged that the profits received during the conspiracy included at least \$100,000 which resulted in the forfeiture of that amount.



First row: David Lewis, DEA Task Force Officer at Norwood Police Dept.; Assistant U.S. Attorney Kenneth L. Parker; Mike Craft, Acting Chief, Covington Police Department; Danny Smith, LECC Manager, U.S. Attorney's Office, Eastern District of Kentucky; Debbie Grimes, Forfeiture Specialist, U.S. Attorney's Office, Cincinnati; U.S. Attorney Gregory G. Lockhart; Sharonville Police Chief Michael Schappa; West Chester Police Chief John Bruce; Ohio BCI&I Superintendent John Monce. **Second row:** Lt. Bill Mark, Boone County Sheriff's Department; Lt. Gary Fry, Norwood Police Dept.; Chief Deputy Pat Morgan, Kenton County Sheriff's Office; Chief Tom Kathman, Florence Police Department; Kurt Shearer, Deputy Superintendent, Ohio BCI&I; Captain Joel Herzog, West Chester Police; Jason Boyd, DEA Task Force Officer.

Department of Homeland Security announces National Response Plan

In January 2005, the Department of Homeland Security announced the completion of the National Response Plan (NRP). The NRP is a comprehensive incident response plan for managing terrorist threats, natural disasters, or man-made emergencies. Federal, state, and local authorities will use this plan if assisting during a national incident. More information is available at <http://www.dhs.gov/dhspublic/display?content=4270>

Contact information for the Southern District of Ohio

Website Link: <http://www.usdoj.gov/usao/ohs/>



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